



# House of Representatives

General Assembly

**File No. 319**

February Session, 2006

Substitute House Bill No. 5713

*House of Representatives, April 3, 2006*

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING ZONING ENFORCEMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-12a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Any municipality may, by ordinance adopted by its legislative  
4 body, establish penalties for violations of zoning regulations adopted  
5 under section 8-2 or by special act. The ordinance shall establish the  
6 types of violations for which a citation may be issued and the amount  
7 of any fine to be imposed thereby and shall specify the time period for  
8 uncontested payment of fines for any alleged violation under any such  
9 regulation. No fine imposed under the authority of this section may  
10 exceed one hundred fifty dollars for each day a violation continues.  
11 Any fine shall be payable to the treasurer of the municipality.

12 (b) The hearing procedure for any citation issued pursuant to this  
13 section shall be in accordance with section 7-152c except that no zoning

14 enforcement officer, building inspector or employee of the municipal  
15 body exercising zoning authority may be appointed to be a hearing  
16 officer.

17 (c) Any zoning enforcement officer who issues a citation pursuant to  
18 an ordinance adopted under this section shall be liable for [treble]  
19 damages in any civil action if the court finds that such citation was  
20 issued frivolously or without probable cause.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	8-12a

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 07 \$</b>	<b>FY 08 \$</b>
Various Municipalities	Cost Avoidance	See Below	See Below

**Explanation**

The legislation could reduce liability of zoning enforcement officers due to a potential reduction in the amount of damages that could be awarded in a civil action.

**The Out Years**

The ongoing fiscal impact identified above would continue into the future.

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**OLR Bill Analysis**

**sHB 5713**

***AN ACT CONCERNING ZONING ENFORCEMENT.***

**SUMMARY:**

This bill subject zoning enforcement officers to actual, rather than treble, damages in any civil action if the court finds that the officer issued a citation for zoning violations frivolously or without probable cause

EFFECTIVE DATE: October 1, 2006

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0 (03/17/2006)